



August 2, 2018

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Subject: Appeal of USAC Funding Decision - Docket 02-6

Request for Review

From: Bnos Brocha Girls School
BEN: 16045214
Rochel Ehrenfeld

We are requesting that the FCC review the decision by USAC to deny/reduce funding for FRN 1699018386 of Form 471 # 161011449 and FRN 1699018460 of Form 471 # 161011477.

Background and Chronology

11/14/2017 – 2016 Wave 68, FRN 1699018386 and FRN 1699018460 were denied. On the "FCDL Comment for FRN" it states "CR1: FRN canceled in consultation with the applicant."

12/5/2017 – We filed an appeal with USAC (#85806), on our appeal we pointed out that these FRNs were cancelled by mistake.

5/17/2018 – 2016 Appeal Wave 49, on the "Post-Commitment Decision" it states "Approved". On the "Post Commitment Rationale" it states "Your appeal has brought forward persuasive information that your appeal should be approved". However, although it showed that our appeal was approved it showed that the discount was reduced from 80% to 20%. No rationale was given for this reduction. At that point we contacted USAC (Case # 240178) to advise us on to how to proceed further. We weren't sure if we have to file an FCC appeal or to file a second appeal with USAC. We were advised by USAC that since our appeal was approved but funding was reduced, that we should file a second appeal with USAC.



5/29/2018 - We filed a second appeal with USAC (#105291) as we were instructed by USAC. On our appeal we pointed out that our previous appeal was approved but only on a 20% discount therefore we are appealing the reduction from our requested 80% discount to a 20% discount. We also attached a lunch claim that supports our requested 80% discount.

8/1/2018 - 2016 Appeal Wave 54, on the "Post-Commitment Decision" it states "Denied". On the "Post Commitment Rationale" it states "You are appealing the discount percentage for your Billed Entity. The discount was reduced from 80% to 20% during review of your application Form 471 number 161053448 since you failed to provide the supporting documentation. Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your request was received on May 29, 2018. The Funding Commitment Decision Letter was issued on July 4, 2017. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your"

FCC Appeal

We are appealing this decision as we are puzzled with the statements stated in the "Post-Commitment Decision". The first statement stated "*The discount was reduced from 80% to 20% during review of your application Form 471 number 161053448 since you failed to provide the supporting documentation.*" We are not aware of not responding to any requests by USAC's review team. Also on the original FCDL "FCDL Comment for FRN" there was no mention of any reduction of the discount. The second statement stated "*Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your request was received on May 29, 2018. The Funding Commitment Decision Letter was issued on July 4, 2017*", we believe this to be incorrect, as the 60 days only began from the date of the Revised FCDL Date (05/17/2018). It was only after the Post-Commitment Decision that USAC approved these FRNs but for a reduced amount. On the original FCDL these FRNs were not funded at all, as it showed "Canceled" (since we had mistakenly canceled them). There was also no mention of any discount reduction. [Also we have no idea how USAC got the date of "July 4, 2017" as the FCDL was "11/14/2017".]

Conclusion

We are therefore hopeful that the FCC can have USAC increase the discount to our school's actual 80% discount which is based on the NSLP. In addition, failure to grant this appeal will result in an extreme hardship for the school. As a private non for profit school with a high poverty rate we rely on the e-rate funding.


Rochel Ehrenfeld